



**Australian
Competition &
Consumer
Commission**

Our Ref: 52643
Contact Officer: Tanya Hobbs
Contact Number: 02 6243 1029

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

5 November 2013

Mr Brett Oaten
Brett Oaten Solicitors
Studio 502, 3 Gladstone St
Newtown NSW 2042

By email: dan@bangtango.com.au; mark@bangtango.com.au

Dear Mr Oaten

Third line forcing notification N97072 lodged by BangTango Australia Pty Limited

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 November 2013. The notification has been placed on the ACCC's public register.

BangTango Australia Pty Limited (BangTango) has previously notified (N96677) that it proposes to provide live concert ticketing fulfillment services and related concert experiences to consumers, on condition they are Telstra customers or staff of Telstra.

The current notification relates to the same behaviour in that BangTango has notified the following additional services, for the avoidance of doubt, in case they are not covered by the previous notification:

- reserve 15-30% of the tickets for each event from sale to the general public, to be offered exclusively to Telstra customers; and
- in some cases (eg in packages, promotions and competitions) offer additional event related experiences (eg backstage tours, merchandise and access to the artist's music etc).

BangTango proposes to supply these services in conjunction with the previously notified services described in N96677.

Legal protection conferred by the notification will commence on 18 November 2013.

On the basis of the information that you have provided it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that BangTango and Telstra will disclose all relevant terms and conditions to prospective customers.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Tanya Hobbs on 02 6243 1029.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch